

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JM GODFREY,

Petitioner,

v.

WARDEN PVSP,

Respondent.

Case No. 20-01381 BLF (PR)

**ORDER GRANTING EXTENSION
OF TIME TO PROVIDE PROOF OF
PAYMENT, PAY THE FILING FEE,
OR FILE COMPLETE *IN FORMA*
PAUPERIS APPLICATION**

On January 31, 2020, Petitioner, a California state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 in the Eastern District of California. Dkt. Nos. 1, 2. The matter was transferred to this Court because Petitioner was challenging a conviction out of San Mateo County, making this Court the more convenient forum. Dkt. No. 2.

On February 4, 2020, the Clerk sent Petitioner a notice informing him that the action was deficient because he did not pay the filing fee or file an *In Forma Pauperis* (“IFP”) application. Dkt. No. 4. Petitioner was directed to respond within twenty-eight days or else the case would be dismissed. *Id.* Petitioner was also sent a notice that the matter was assigned to a magistrate judge and that he must file consent or declination to magistrate judge jurisdiction. Dkt. No. 6. After Petitioner filed a declination to magistrate

judge jurisdiction, the matter was reassigned to this Court. Dkt. Nos. 7, 10.

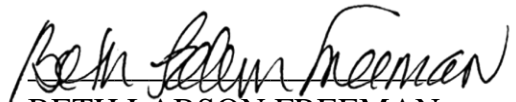
On March 9, 2020, Ms. Mareva Godfrey filed a document indicating that “\$5 was paid to the Eastern Division. They sent it back saying it (the case) was transferred.” Dkt. No. 8. Included with the statement was a check stub. *Id.* However, there is no proof of payment, e.g., a receipt or indication that the check cleared. Petitioner states in a letter filed on April 27, 2020, that he believes payment was made by credit card by Mareva Godfrey, Dkt. Nos. 13, 14, but the court’s financial office has been unable to verify that any such payment was received in this matter.

In the interest of justice, Petitioner shall be granted an extension of time to do one of the following: (1) provide proof of payment, (2) pay the filing fee, or (3) file a complete IFP application showing indigency. Petitioner shall do so **no later than twenty-eight (28) days** from the filing date of this order.

Failure to respond to this order in the time provided will result in the dismissal without prejudice of this action without further notice to Petitioner.

IT IS SO ORDERED.

Dated: May 20, 2020


BETH LABSON FREEMAN
United States District Judge